

# EXHIBIT 1

## LAW OFFICES OF CHRISTOPHER SERBAGI

## FACSIMILE TRANSMITTAL SHEET

TO:

Mr. Lucif Nissen

FROM:

Christopher Serbagi, Esq.

COMPANY:

DATE:

August 22, 2007

FAX NUMBER

877-739-1895

TOTAL NO. OF PAGES INCLUDING COVER

3

PHONE NUMBER:

SENDER'S REFERENCE NUMBER

RE:

Judge's Order attached

YOUR REFERENCE NUMBER

☐ URGENT☐ FOR REVIEW☐ PLEASE COMMENT☐ PLEASE REPLY☐ PLEASE RECYCLE

NOTES/COMMENTS:

Dear Mr. Nissen:

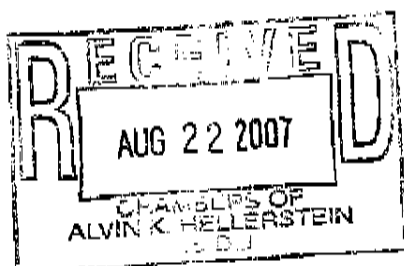
As you can see from the attached letter, the Judge moved the hearing to September 11, 2007; my time to submit a brief to August 28, 2007; your time for an opposition to September 4, 2007; and my time for a reply to September 10.

Very truly yours,

Christopher Serbagi

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August 22, 2007

Via Facsimile

Honorable Alvin K. Hellerstein  
United States District Court  
500 Pearl Street, Room 1050  
New York, New York 10007

MEMO ENCL 3

Re: Forest Laboratories, Inc. v. Leif Nissen, Index No. 07 CV 7399

Dear Judge Hellerstein:

I am counsel for Plaintiff Forest Laboratories, Inc. ("Forest") in the above-entitled action. I write to request a five day extension of the time for Forest to file its memorandum of law in support of its motion for a preliminary injunction. No other requests for adjournments have been made by either party.

By way of brief background, this case is about the Defendant's use of the domain name "lexipro.com," which Forest alleges infringes its trademark LEXAPRO, along with other related causes of action. On August 21, 2007, The Honorable Laura Taylor Swain granted Plaintiff's motion for a temporary restraining order and scheduled the preliminary injunction hearing for September 5, 2007. Judge Swain Ordered that the parties' preliminary injunction papers be filed and served as follows: (i) Plaintiff's supporting papers on August 23, 2007; Defendant's opposition papers on August 30, 2007; and Plaintiff's reply papers on September 4, 2007. The Plaintiff respectfully requests that the Court provide the Plaintiff an additional five days to file and serve its preliminary injunction memorandum of law, so that it is now due on August 28, 2007. Plaintiff recognizes that this may necessitate that the hearing be moved back a week in order to provide the Defendant enough time to respond and for the Plaintiff to submit a reply memorandum.

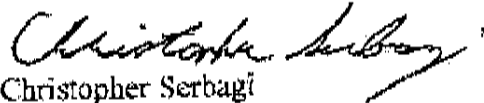
At the present time, the Defendant is appearing in the case pro se but has represented that his new lawyer will be calling me today. The extra time would also provide the Defendant's new lawyer time to get up to speed on the case. Plaintiff has requested the Defendant to consent to the proposed adjournment but he has declined and provided no reason why except that he wants his lawyer to address the issue.

CHRISTOPHER SERBAGI, ESQ.

Finally, because the issues in this case are relatively simple and straightforward, the Plaintiff requests that the Court Order that the preliminary injunction hearing be combined with a trial on the merits pursuant to F.R.C.P. 65(a)(2).

We thank the Court for its consideration of these issues.


Respectfully Submitted,

  
Christopher Serbagi

cc: Mr. Leif Nissen (via facsimile)

*The requests are granted. The preliminary injunction hearing is adjourned to September 11, 2007, at 11:45AM.*

SO ORDERED.

 8/22/2007  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE *Part I*